

(SPACE BELOW FOR FILING STAMP ONLY)

LINDA MILLER SAVITT, SBN 94164  
lsavitt@brgslaw.com  
JOHN J. MANIER, SBN 145701  
jmanier@brgslaw.com  
BALLARD ROSENBERG GOLPER & SAVITT, LLP  
15760 Ventura Boulevard, Eighteenth Floor  
Encino, California 91436  
T: (818) 508-3700 | F: (818) 506-4827

Attorneys for Defendants BRANT PUTNAM,  
M.D., JANINE VINTCH, M.D., ANISH  
MAHAJAN, M.D., CHRISTIAN DE VIRGILIO,  
M.D., HAL F. YEE, M.D., ROGER LEWIS, M.D.,  
and MITCHELL KATZ, M.D.

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

TIMOTHY RYAN, M.D., an  
individual,

Plaintiff,

vs.

BRANT PUTNAM, M.D., an  
individual, JANINE VINTCH, M.D., an  
individual, ANISH MAHAJAN, M.D.,  
an individual, CHRISTIAN DE  
VIRGILIO, M.D., an individual, HAL  
F. YEE, M.D., an individual, ROGER  
LEWIS, M.D., an individual,  
MITCHELL KATZ, M.D., an  
individual, and DOES 1 through 50,  
inclusive,

Defendants.

Case No. 2:17-cv-05752-R-RAO

**DEFENDANTS' NOTICE OF MOTION AND  
MOTION TO DISMISS PLAINTIFF'S  
FIRST AMENDED COMPLAINT (DOC.  
14) BASED ON QUALIFIED IMMUNITY,  
OR, ALTERNATIVELY, TO STRIKE  
PORTIONS THEREOF**

**[FED. R. CIV. P. 12(b), (b)(1), (b)(6)]**

Date: December 4, 2017  
Time: 10:00 a.m.  
Ct: 880

Action Filed: August 3, 2017  
Trial Date: None Set

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on December 4, 2017, at 10:00 a.m. or as soon  
thereafter as the matter may be heard before the Honorable Manuel L. Real in  
Courtroom 880 of the above-entitled Court, located at the Roybal Federal Building  
and U.S. Courthouse, 255 East Temple Street, Los Angeles, CA 90012, Defendants  
Brant Putnam, M.D., Janine Vintch, M.D., Anish Mahajan, M.D., Christian De

BALLARD ROSENBERG GOLPER & SAVITT, LLP  
15760 VENTURA BOULEVARD, EIGHTEENTH FLOOR  
ENCINO, CALIFORNIA 91436

1 Virgilio, M.D., Hal F. Yee, M.D., Roger Lewis, M.D., and Mitchell Katz, M.D.,  
 2 jointly and severally (collectively "Defendants"), will, and hereby do, move this  
 3 Court pursuant to Fed. R. Civ. P. 12(b)(6) for an Order dismissing, with prejudice,  
 4 the sole claim for relief in the First Amended Complaint for Retaliation Based on  
 5 Exercise of First Amendment Rights (Doc. 14) ("FAC") filed by Plaintiff Timothy  
 6 Ryan, M.D. ("Plaintiff"), on the grounds that Defendants are entitled to qualified  
 7 immunity on Plaintiff's claim under 42 U.S.C. § 1983, and the FAC fails to state a  
 8 claim upon which relief can be granted against Defendants.

9 This Motion is based on this Notice, the Memorandum of Points and  
 10 Authorities and Declaration of John J. Manier attached hereto, all pleadings and  
 11 papers on file in the instant action, and any other matters that may be considered by  
 12 the Court at any hearing on this Motion.

13 This Motion is made following a conference of counsel pursuant to L.R. 7-3  
 14 which commenced on October 20, 2017.

15 DATED: October 27, 2017

BALLARD ROSENBERG  
 GOLPER & SAVITT, LLP

16 By:



17 John J. Manier

18 Attorneys for Defendants BRANT PUTNAM,  
 19 M.D., JANINE VINTCH, M.D., ANISH  
 20 MAHAJAN, M.D., CHRISTIAN DE  
 21 VIRGILIO, M.D., HAL F. YEE, M.D., ROGER  
 22 LEWIS, M.D., and MITCHELL KATZ, M.D.  
 23  
 24  
 25  
 26  
 27  
 28